IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS **SHERMAN DIVISION**

Document 27

LAKE TEXOMA HIGHPORT, LLC	§	
d/b/a HIGHPORT MARINA & RESORT	§	
& HIGHPORT SOCIAL CLUB,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 4:17-cv-00720
	§	
EVANSTON INSURANCE COMPANY,	§	
AND AXIS SURPLUS INSURANCE	§	
COMPANY,	§	
	§	
Defendants.	§	

STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT EVANSTON INSURANCE COMPANY

Plaintiff, Lake Texoma Highport, LLC d/b/a Highport Marina & Resort & Highport Social Club ("Plaintiff" or "Highport") files this stipulation of dismissal without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) with respect to its claims pending against Evanston Insurance Company ("Evanston").

- On August 9, 2017 Plaintiff filed its Original Petition in the 397th Judicial District 1. of Grayson County, Texas.
 - 2. On October 6 2017, Evanston filed its Notice of Removal to this Court.
 - 3. On November 16, 2017 Evanston filed its First Amended Answer.
- 4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 23.1, or an action related to an unincorporated association under Rule 23.2.
 - 5. A receiver has not been appointed in this case.
- This case is not governed by any federal statute that requires a court order for 6. dismissal of this defendant.

- 7. Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in this case.
 - 8. Only Defendant Evanston is dismissed from this lawsuit.
 - 9. This dismissal is without prejudice.

Respectfully submitted,

SHIELDS LEGAL GROUP, P.C.

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ATTORNEYS FOR PLAINTIFF

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents has been served on all counsel of record on February 1, 2018 via ECF in accordance with the Federal Rules of Civil Procedure.

/s/ James D. Shields
James D. Shields